

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT SUBSTANCE ABUSE POLICY	Number 97.00	Issue 1	Page 1 of 14
	Effective Date February 2, 1989		

1. Purpose

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the City has no intention of intruding into the private lives of its employees, involvement with controlled substances and alcohol on and off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of controlled substances and/or open alcoholic beverages on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

Employees who think they may have a substance abuse problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. Employees with performance problems related to substance abuse may also take advantage of the Employee Assistance Program. While the City will be equally firm in identifying and disciplining those who continue to be substance abusers.

Supervisors will be trained to recognize individuals under the influence of alcohol or controlled substances and become involved in this control process. Substance abuse will not be tolerated, and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

Authorized

(Signed by John Lockwood)

CITY MANAGER

(Signed by John W. Witt)

CITY ATTORNEY

(Signed by Ed Ryan)

AUDITOR & COMPTROLLER

(Signed by Rich Snapper)

PERSONNEL DIRECTOR

(Signed by Bob Spaulding)

PLANNING DIRECTOR

(Signed by Lawrence B. Grissom)

RETIREMENT ADMINISTRATOR

(Signed by Patricia A. Tennyson)

INTERGOVERNMENTAL RELATIONS DIRECTOR

(Signed by Charles G. Abdelnour)

CITY CLERK

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This policy provided guidelines for the detection and deterrence of substance abuse. It also outlines the responsibilities of the City's managers and employees. To that end the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which would impair an employee's ability to safely and effectively perform the functions of the particular job) which may increase accidents, absenteeism, substandard performance, poor employee morale or damage to the City's reputation. All employees should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the public service responsibilities entrusted to the employees of the City, and that substance abuse can hinder a person's ability to perform duties safely and effectively, the following policy against substance abuse is hereby adopted by the City.

2. SCOPE

2.1 This regulation applies to all City Departments. In addition, these provisions shall be incorporated by references in all City contracts for work on City facilities or work within the public right of way.

3. DEFINITIONS

3.1 Employee Assistance Program (EAP) means a system whereby an employee and/or a supervisor can work to resolve an employee's performance problem(s) that is or may be associated with personal problems. The City's Employee Assistance program is located at 525 B Street, Suite 618, San Diego, CA 92101.

3.2 Impaired means the inability of an employee to perform his/her usual and normal work assignments with normal effectiveness or efficiency.

3.3 Safety Service and Related Employees are personnel in the classifications listed in Attachment "A".

3.4 Equipment and Plant Operation Employees are personnel in the classifications listed in Attachment "B", including employees in other classifications working in an out-of-class assignment in one of the classifications in Attachment "B", all operators of power tools and power equipment, and all employees who as a regular part of their daily activities are required to operate motor vehicles.

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- 3.5 Work Shift - all time, compensated or not, between reporting to work and departing from the work site for the day.
- 3.6 Working Hours - all compensated work time including breaks but not including uncompensated lunch hours or time before and after work.
- 3.7 Substance Abuse - the improper use of alcohol, controlled substances such as illegal drugs, prescription drugs, or any other substance which impairs an employee's ability to safely and effectively perform the functions of a particular job.
- 3.8 Reasonable Suspicion - a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a substance so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced. Reasonable suspicion may result from actual observation of the use or ingestion of a substance by an employee. It may be based on reliable information that the employee is currently or has recently used or possessed a controlled substance, or open container with alcohol on the job. Reasonable suspicion may result from an observation of physical symptoms such as slurred speech; red, watery eyes; unsteady gait; dilated pupils; and drowsiness or actual sleeping on the job. In addition, reasonable suspicion may result from the observation of behavioral symptoms such as severe mood swings, unexplained personality changes, inattention to personal hygiene, and frequent accidents.
- 3.9 Controlled Substance - unless otherwise specified means a drug, substance, or immediate precursor which is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.

4. Policy

- 4.1 The City is committed to eliminating any substance abuse by employees resulting in increased potential for accidents, absenteeism, reduced productivity, poor employee morale or damage to the City's reputation. The City will make a reasonable effort to provide training and education on substance abuse to all employees.
- 4.2 A training program will be developed for all supervisors to increase their ability to detect the signs of substance abuse in the work place and to show the impact of substance abuse on the users. This program will be conducted on a regular, reoccurring basis.

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- 4.3 Employees who self identify a substance abuse problem will be assisted by the Employee Assistance Program. Employees who have performance problems or who test positive for substance abuse may also be assisted by the Employee Assistance Program. Management reserves the right to refer or require employees who test positive to the Employee Assistance Program and/or to take appropriate disciplinary action against the employee based on past performance or other relevant factors in accordance with full due process and representation rights. Actual discussions between the employee and the Employee Assistance Specialist and treatment provided the employee through the Employee Assistance Program, will be kept confidential unless the employee consents to disclosure.
- 4.4 Employee job performance problems will be addressed through performance evaluations and progressive discipline as appropriate.
- 4.5 Employees who are involved in illegal actions pertaining to the illegal use, sale, purchase, or possession of alcoholic beverages or any controlled substance during the course of City employment may be investigated by the Police Department or other law enforcement agencies.
- 4.6 Employees may be required to undergo a compulsory medical examination which may include drug and alcohol screening if reasonable suspicion exists in accordance with Section 5 of this Policy. See Attachment "C" for procedures used.
- 4.7 Employees involved in an on-the-job accident while operating a vehicle or a piece of power equipment may be required to undergo a compulsory medical examination which may include drug and alcohol screening if reasonable suspicion of substance abuse exists.
- 4.8 Employees who are required to take a mandatory drug test or screening will also be required to authorize in writing the disclosure of the results of such test or screening conducted under this Policy. Failure to do so may result in appropriate disciplinary action up to and including discharge in accordance with full due process and representation rights. Refusal to immediately submit to an alcohol and/or drug analysis when lawfully required by City management or law enforcement personnel will constitute insubordination and may be grounds for discipline up to and including termination. The results of such testing will be kept confidential as otherwise required by law.
- 4.9 The following specifics govern the conduct of City employees in regard to substance abuse:

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Alcohol

The consumption of alcoholic beverages is regulated under the following circumstances:

<u>Group</u>	<u>When</u>
Safety Service and Related Employees	○ Prohibited during working shifts
Equipment and Plant Operation Employees	○ Prohibited during working shifts
Unclassified Employees	○ Prohibited during working shifts
All Other Employees	○ Prohibited during working hours. Strongly discouraged during lunch periods

In addition to the above specific provisions, all employees are prohibited from consuming alcoholic beverages:

- At any time if the use of alcohol has a detrimental effect on job performance or the ability to operate equipment.
- At any time when the employee is in a City uniform, or when operating a City vehicle, or while at assigned worksites or City operating facilities.

Note: During special, infrequent occasions such as retirement or holiday parties, consumption of alcoholic beverages may be allowed but only upon specific approval by the Department Head. On such authorized occasions, individual consumption of alcohol must be limited in order to avoid impairment of the employee's ability to perform his/her normal duties in a safe and efficient manner upon return to work. This provision does not apply in Safety Service and Related employees and Equipment and Plant Operation employees.

Controlled Substances

The unlawful use, sale or possession of drug paraphernalia, as defined in Section 11014.5 of the California Health and Safety Code, or controlled substances by City employees may result in disciplinary action up to and including discharge under the following circumstances. The degree of discipline imposed may vary depending on the facts of each individual case.

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<u>Group</u>	<u>When</u>
All Employees	<ul style="list-style-type: none">○ During working shifts○ At any worksite○ At anytime if there is an impact on the employee's job performance or any connection with the individual's status as a City employee
Safety Service and Related Employees	<ul style="list-style-type: none">○ At any time

The lawful use or possession of medication or controlled substances prescribed by a licensed physician or the use of and possession of a non-prescription medication is not prohibited, but an employee whose job performance may be affected by such use must advise his/her supervisor. Examples of impaired performance are listed under the definition of Reasonable Suspicion. Failure to advise the supervisor may result in discipline for poor performance or misconduct.

4.10 Employees who violate this policy may be subject to discipline up to and including discharge.

5. PROCEDURES AND RESPONSIBILITIES

<u>Responsibility</u>	<u>Action</u>
Supervisors	<ul style="list-style-type: none">5.1 After determining reasonable suspicion of substance abuse, notify through the chain of command, their Deputy Director or equivalent of all cases of suspected violation of this policy.5.2 In cases of public safety or immediate danger to the public, other employees, or to the employees themselves, take immediate corrective action such as relieving the employee from his/her assigned duties.5.3 Prepare a written summary outlining the circumstances and the physical conditions and/or behaviors constituting reasonable suspicion of substance abuse at

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the time of the incident. All written documentation should be preserved for future use.

- 5.4 If directed by their Deputy Director, escort the employee to the designated medical testing facility and after examination, if directed, to the employee's place of residence.

Deputy Directors

- 5.5 Upon receiving a report of a suspected violation of this policy, the Deputy Director (or appropriate designee) will review the facts and determine if reasonable suspicion of substance abuse exists to support a decision to require medical screening. If so, the Deputy Director shall advise the supervisor of this course of action. If a medical screening is required, the Deputy Director will contact the Manager's representative (Labor Relations Manager, Risk Management Director, Worker's Compensation Administrator, or a Deputy City Manager) to schedule a medical screening appointment. If the circumstances warrant, the Deputy Director will also contact the Police Department to determine if an investigation of the possession of the drugs or use of the drugs is warranted and to request, if necessary, a police escort. The Deputy Director will, after consulting with the supervisor and Manager's Office, initiate appropriate disciplinary proceedings in accordance with full due process and representation rights.

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- 5.6 If the test results of an employee's medical screening are positive, the Deputy Director will, after consulting with the supervisor and the Manager's Office, prepare and carry out appropriate disciplinary proceedings in accordance with full due process and representation rights.
- Manager's Office
- 5.7 The City Manager will designate a representative(s) (Labor Relations Manager, Risk Management Director, Workers' Compensation Administrator, or Deputy City Manager) who will be available at all times, including weekends, and shall have the authority to approve and arrange for medical appointments in suspected cases of violations of this policy.
- 5.8 If, after reviewing the facts of each case and the Deputy Director's request for medical screening, the City Manager's representative decides to approve the screening, this individual will arrange for an appointment at an appropriate testing facility and advise the Labor Relations Manager, the Risk Management Director, and/or the Workers' Compensation Administrator, as the case may be, of the action.
- Police Department
- 5.9 Designate a representative to act as a duty 924 hour) liaison to other departments for implementation of this policy. In order of availability they are Deputy Police Chief (Special Operations), Police Commander (Special Operations), and Police Captain (Narcotics Division).
- 5.10 Initiate an investigation of employees or incidents, when requested by a Deputy Director or equivalent and

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approved by the City Manager's Office, and assist the department in conducting an investigation.

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| | 5.11 | Provide Police assistance to any employee, when requested by a Deputy Director or equivalent. |
| Risk Management Department | 5.12 | Ensure that a competent medical provider, supervised by a qualified physician, is available to collect the sample, using proper sample collection procedures, and that the chain of evidence is maintained at all times. |
| | 5.13 | Ensure that a competent, licensed, professional medical laboratory, supervised by a qualified physician, will be available at all times, including weekends, to conduct tests. |
| | 5.14 | Ensure that the laboratory protects the evidence of any examination including the samples and test results and makes them available to the City and employee after testing and for re-testing. |
| Employee Assistance Program (EAP) | 5.15 | EAP will develop programs designed to increase the supervisor's and management's ability to deal with performance problems based on substance abuse in the workplace. |
| | 5.16 | EAP will make its best efforts to offer these programs to all City supervisors on a reoccurring basis. |

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Safety Service and Related Employees

Safety

Police Chief (Unclassified)
Assistant Police Chief (Unclassified)
Deputy Police Chief (Unclassified)
Police Commander (Unclassified)
Police Personnel Manager (Unclassified)

Police Captain
Police Lieutenant
Police Sergeant
Community Relations Assistant to the Police Chief
Police Agent
Police Officer II
Police Officer I
Police Recruit

Fire Chief (Unclassified)
Assistant Fire Chief (Unclassified)
Assistant to the Fire Chief (unclassified)
Deputy Fire Chief (Unclassified)
Fire Shift Commander (Unclassified)
Fire Battalion Chief
Fire Captain
Fire Engineer
Fire Fighter II
Fire Fight I
Fire Recruit

Assistant Fire Marshall
Fire Prevention Supervisor
Fire Prevention Inspector II
Fire Prevention Inspector I

Marine Safety Captain
Marine Safety Lieutenant
Harbor Patrol Lieutenant
Lifeguard Sergeant
Harbor Patrol Sergeant
Lifeguard II
Harbor Patrol Officer
Lifeguard I

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Safety Related

Police Intern (Unclassified)

Crime Laboratory Manager

Supervising Criminalist

Criminalist

Assistant Criminalist

Latent Print and Evidence Technician Supervisor

Latent Print Examiner

Documents Examiner

Assistant Documents Examiner

Documents Examiner Trainee

Polygraph Examiner

Assistant Polygraph Examiner

Polygraph Examiner Trainee

Police Dispatch Supervisor

Police Dispatcher

Lead Fire Dispatcher

Dispatcher II

Dispatcher I

Police Investigative Aide II

Police Investigative Aide I

Community Service Officer

Evidence Technician

Forensic Alcohol Analyst

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Equipment and Plant Operation Employees

Equipment Operation

Equipment Operator III
Equipment Operator II
Equipment Operator I
Heavy Truck Driver II
Heavy Truck Driver I
Landfill Equipment Operator
Light Equipment Operator
Motor Sweeper Operator
Sanitation Driver II
Sanitation Driver I

Note: Equipment Operation employees also include all operators of power tools and power equipment and all employees who, as a regular part of their daily activities, are required to operate motor vehicles.

Plant Operation

Waste Water Treatment Superintendent
Water Production Superintendent
Senior Waste Water Operations Supervisor
Senior Water Operations Supervisor
Waste Water Operations Supervisor
Water Operations Supervisor
Waste Water Plant Operator
Water Plant Operator
Plant Operator Trainee

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1. Upon arrival at the medical provider's offices, the employee completes a drug testing authorization/release of test results/recent drug usage form. The receptionist will ask for, check, and photocopy the employee's picture identification unless the employee is accompanied by a supervisor.
2. After the necessary paperwork has been completed, the employee is given a paper cup, escorted to a bathroom or restroom, and asked to provide a urine sample. The giving of the urine sample will be observed by a medical assistant.
3. In the presence of the employee, the medical assistant pours the urine sample from the paper cup into a specimen bottle, caps the bottle, and places a tamper proof seal over the cap of the bottle and down the sides of the bottle. (The seal for the bottle has a preprinted identifying number on it). The medical assistant then writes the identifying number on a Chain of Custody form, and asks the employee to verify that the number on the form is the same as the number of the bottle. The employee is then asked to sign the Chain of Custody form certifying that the urine specimen, bearing the number of the bottle and the form, was provided by him/her.
4. The medical assistant then signs the Chain of Custody form certifying that the number on the urine specimen bottle is the same as the number of the Chain of Custody form and that the urine specimen of the employee was provided in accordance with specified urine collection procedures.
5. The medical assistant places the sealed urine specimen bottle in a refrigerator.
6. The urine sample is then picked up by courier for delivery to the testing laboratory. The courier signs the Chain of Custody form acknowledging receipt of the specimen with no signs of tampering. The courier delivers the sample to the testing laboratory. A copy of the Chain of Custody form accompanies this specimen to the laboratory. This copy identifies the specimen by number only and does not identify the employee by name.
7. The laboratory analyzes a portion of the urine specimen and reports the results to the medical provider. The remainder of the specimen is retained for further testing as necessary.
8. If the drug screen was positive, the report and paperwork completed earlier will be reviewed to determine if the drug test was positive because of legal drug usage. Satisfactory proof of legal drug usage may include written confirmation by the employee's private medical doctor that the

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employee was taking prescription medications. If satisfactory proof is supplied, the drug screen will be acceptable.

9. If the drug screen was positive for illegal drugs, or if it was positive for unsatisfactorily explained legal drugs, the City may initiate appropriate disciplinary action against the employee in accordance with full due process and representation rights.